

**Town of Milton**  
*115 Federal St*  
*Milton, DE 19968*



[www.milton.delaware.gov](http://www.milton.delaware.gov)  
Phone: 302-684-4110  
Fax: 302-684-8999

April 22, 2013

***Memorandum***

To: Mayor Jones and Town Council  
From: Win Abbott, Town manager  
Re: Parking Requirements  
CC: Robin Davis, Project Coordinator

This memo comes in response to repeated inquiries on behalf of St. John's Episcopal Church. The inquiries date to October 2012. I respectfully request that Council consider that matter of parking requirements set forth in Chapter 220 of the Milton Municipal Code and provide direction regarding a response – or referral to a committee.

The Zoning Ordinance (220-42, Off Street Parking Requirements) of the Municipal Code details where parking may or may not be allowed. It details the number of spaces required, by the Permitted Use of a structure. Finally, it details the construction and landscaping requirements of the same.

There are regular occurrences of non-compliance with this ordinance. And, while a process for a waiver is provided, there is no evidence that this process has been followed.

Our Code Enforcement Officer may find occasion to cite non-compliant residential behavior. Uniform enforcement (equal protection) would be in the best interests of the Town of Milton. This means that our commercial and, particularly, our non-profit enterprises would be affected. The construction and landscaping requirements of the ordinance would be a hardship for the non-profits. A copy of the sections that create a hardship is on the reverse of this page.

There is no policy that provides guidance to the Planning and Zoning Commission when considering a waiver. The relevant text of the code is as follows:

Off-street parking waiver. Off-street parking requirements may be waived in whole or in part upon finding by the Planning and Zoning Commission that:

- [\(1\)](#) Adequate public off-street parking facilities are available within 400 feet of the lot containing the subject use; or
- [\(2\)](#) Evidence of satisfactory off-site parking arrangements has been documented; or
- [\(3\)](#) The area in question is located within the Town Center District.

The Council may authorize the development of a policy directive regarding the periodic use of off-street parking by non-profits and their "guests". The policy directive would clarify the term "satisfactory off-site parking arrangements" so that the Planning and Zoning Commission may be empowered to render a broad interpretation of the law – as opposed to a very narrow interpretation.

## Zoning Code – Off Street Parking Requirements, continued

This would not preclude the need to apply for a waiver. However, it *is* a way to resolve this issue without re-writing and adopting an amended Zoning Ordinance. If this is agreeable to the Council, I will present a proposed policy guideline at the next regularly scheduled meeting.

Evidence supporting the development of such a policy can be found under General Requirements:

***“Where appropriate, the Planning and Zoning Commission may, upon the presentation of evidence, vary the number and circumstances of the following parking space requirements, in order that the general welfare be served and the proposed uses be equitably treated.”***

Existing buildings are exempt from the requirements of new buildings, as noted (emphasis added):

***“The minimum number of parking spaces required shall be determined by the number or amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings, uses or structures, or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structure...”***

The hardship regarding the cost of construction and landscaping may be found in these sections:

***“Construction of parking areas. All off-street parking areas shall be paved with a suitable all-weather, dust-free surface with the exception of those for single-family residences, and shall meet the following construction standards:***

- (1) The individual spaces shall be visibly marked with paint or other durable material.***
- (2) Be provided with curbing or wheel stops to keep parked vehicles within proper boundaries.***
- (3) Be designed, graded and surfaced for proper drainage.”***

And,

***“At least 10% of the area of a lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened adequately, as set forth in § [220-54](#), from adjoining properties. All parking areas and landscaping shall be properly maintained in accordance with applicable Town ordinances.”***

So, the guidelines provided to the Planning and Zoning Commission should address these topics so that the commission has clarity regarding the legislative intent of the Mayor and Council.